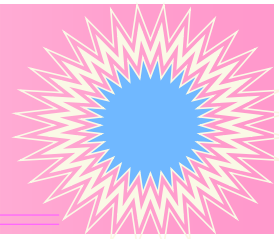




Issue No. 29

Ethics News



March 2003

Ethics and State Employees

(An online interview with Patricia Born)

Ms. Born started her public service career as a revenue officer for the Internal Revenue Service in 1966. She went on to teach secondary school, to oversee social services contracts for Maine's Department of Human Services, to manage programs and finances for an area agency on aging, and to pursue a career in practical ethics at the Institute for Global Ethics in Camden, Maine, where she has been for the past eleven years.

In January 2003, Ethics News conducted an online interview with Patricia Born, asking her to respond to questions relevant to state employees. The following is the first in a three part series of questions asked.

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E.N: How do you advise state employees to maintain an ethical work environment under financial conditions that are directly affecting them (e.g., lack of pay raises and massive budget cuts)?

Ms. Born: Well, this is a question relevant to all of us wherever we may be. In hard times one may be tempted to be unethical, but this clearly is an untenable position. Fortunately most of us have a conscience. When we look in the mirror each morning we hope to acknowledge a person who is trying his/her best to be honest, responsible, respectful, fair, and compassionate (the five values we find most people return to again and again as the very definition of what it means to be "ethical"). There really is no ethical justification for being lazy on the job or taking government property home because "they owe me" or bad mouthing others—unless, of course, you believe in the philosophy of egoism which says to only do that which is to your own personal benefit!

I have always felt that the problem in hard times for state employees was less about their being treated fairly and more about finding ways to be included in the process for responding to those hard times. This is where leadership is so important. In state government, I worked for competent, ethical leaders and not-so-competent, not-so-ethical ones, and believe me, that makes a big difference to one's morale. Leaders who treat me like I want to be treated, who ask my opinion, who give me an opportunity to help solve the problems that affect me will have my support and effort even in hard times. The others will tempt me to grumble and complain and feel sorry for myself.

Look for Part Two in the May 2003 issue.



Commission meetings are open to the public and held the second Thursday of the month. However, the March meeting will be held March 18. Normal starting time is 10:00 a.m.

What's New Online?

[Filing Financial Disclosure Statements:](#) Tim McClure, Director, State Ethics Commission explains, "Like virtually every other state agency we are trying to reduce costs and increase efficiency by transitioning from paper-based systems to electronic data systems whenever possible. The change with respect to the financial disclosure statements is an example of one such attempt."

As a courtesy, the Ethics Commission will continue to send out email notices to those required to file (appointing authorities, procurement agents, certain elected officials, and division directors of IDOA). If you fall into one of these categories and want to know if you are required to file, email the Commission at <ethics@ethics.state.in.us>.

[Ethics for Executives:](#) A new online training module for agency heads, Ethics Officers and upper management. If you have never participated in the classroom version or want to refresh your ethical decision making skills, log on to Ethics for Executives. You will receive credit for the training and a certificate of completion, as well. Remember, "Concern for ethics starts at the top!" (Click on "Ethics for Executives.")

[State Employee Survey:](#) Please take a moment and tell us how you feel about the services the Commission provides to state employees. You may do so online by clicking on "State Employee Survey."



Workshop for Ethics Officers

March 19, 2003

10:00 - 11:30 a.m.

State Training Center, Room 2

To register, email:

mhill@ethics.state.in.us

Any thoughts on the newsletter?

Please send your questions or comments to: **Mary Hill**

email: mhill@ethics.state.in.us, or

call: (317) 232-3850, or

write: Indiana State Ethics Commission

402 W. Washington St., Rm. W189

Indianapolis, Indiana 46204



For more information on ethics, log on to www.ethics.state.in.us.

Recent Enforcement Proceeding

The State Ethics Commission approved the following report regarding a state employee who had waived his right to a public hearing, and entered into an agreed settlement.

02-C-24 Conflict of Interest

An employee with the State of Indiana submitted an agreed settlement to the State Ethics Commission, which was approved on February 13, 2003. In the settlement, the employee acknowledged that he had, within the last year, accessed Web sites via his state-owned computer that contained pornographic images. The employee also accessed other sites that were either sport related or pertaining to topics other than state business.

In addition, the employee used his state computer for personal reasons and for using email for purposes not related to state business. These actions, he admitted, were in violation of [40 IAC 2-1-9\(f\)](#). Furthermore, the employee admitted that he engaged in non-state activities during working hours which was in violation of [40 IAC 2-1-9\(g\)](#).

As sanctions for his violations, the employee agreed to pay a civil penalty of \$2,500 and to receive a written reprimand from his appointing authority. The employee further agreed to refrain from accessing the Internet from his state computer for non-state purposes. He also agreed to refrain from participating in non-state business during state working hours.

Commission Establishes Fine Collection Policy

Purpose: To establish a policy and procedure for the collection of fines assessed by the Indiana State Ethics Commission once all appeals have been exhausted.

Policy: It shall be the policy of the Indiana State Ethics Commission to collect fines due to the state of Indiana in a timely manner and to establish a procedure consistent with Commission ideals to collect fines and overdue fines.

Procedure: When the Commission determines that a violation of the state ethics code has occurred, and that a fine should be imposed upon a respondent, the following procedures shall be used to collect the fine.

1. If an assessed fine is not received by the due date established by the Commission, the Director shall send a warning letter to the respondent informing him/her that the fine has not been received and request immediate payment.
2. If, after 15 days following the due date, payment has not been made, the Director shall send a letter to the employee's agency head advising him/her of the failure to pay and asking that the letter be placed in the employee's file.
3. If, after 30 days after the due date, the respondent has not paid the fine, the Director shall notify the office of the Attorney General and ask that the employee's wages be garnished on behalf of the State of Indiana in an amount equal to the fine.

Staff Advice

This article briefly reviews questions recently addressed by the Ethics Commission staff. The advice is not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your agency Ethics Officer or the State Ethics Commission.

[#149, Moonlighting, 40 IAC 2-1-8](#)

An Interpretive Analyst with the Department of Natural Resources (DNR) asked if she could do consulting work for a county park board. The work would include developing park interpretive themes, creating example program outlines, and assembling a reference library and program props. The consulting position would not be part of the analyst's duties with the state as an interpreter.

Since it does not appear that the analyst's work for the park board would be incompatible with the discharge of her duties with DNR, or that it would impair her independence of judgment with respect to her DNR position, the analyst could accept the consulting work. However, the analyst would have to ensure that her activities with the park board would not involve the use of state resources and/or time; otherwise, she would be in direct violation of ethics rules [40 IAC 2-1-9\(f\) and \(g\)](#).

[#145, Conflicts of Financial Interest IC 4-2-6-9](#)

A state agency is interested in hiring a division director who is leaving a large corporation in Indiana. The prospective employee has stock in the corporation valued at less than 1% of the outstanding shares of common stock of the corporation. The agency wants to know if the prospective employee can be hired if the prospective employee keeps the stock.

If the prospective employee's holdings in the corporation do not rise to more than 1% of the corporation's common stock while the prospective employee is serving as a division director, there is no violation of the conflict of interest statute.

[#141, Moonlighting, 40 IAC 2-1-8](#)

An industrial hygiene compliance officer and industrial hygienist asked if he could teach a course at a state university dealing with industrial hygiene. The course is a bona fide college course that includes textbooks, exams, and lectures for a 300-level student. There are no agency rules prohibiting the hygienist from teaching the course. The hygienist was advised that he could not use state materials, time or employees to prepare for this outside activity. With these cautions in place, the state ethics laws would not prevent him from teaching the course.



Thank You To:

- All contact persons who filed their quarterly training reports in 2002. Without their help, the Ethics Commission would have an impossible task of tracking employees trained.
- Ethics trainers who provided orientation to their employees. It is only with their help that the Commission is able to reach all state employees.
- Post-employment contact persons for giving employees leaving state government the guide, "Leaving State Government." With their help, employees leaving state government are able to determine if they might have a possible conflict of interest.

Training Quiz

1. How many employees received ethics training in 2002?
2. How many agencies requested and received ethics training for their employees?
3. What agency's twelve new regional directors participated in the classroom version of "Ethics for Executives" in 2003?
4. What agency received "Ethics for Executives" in 2002 for their division directors?
5. How many employees left state government?
6. How many of those received the guide, "Leaving State Government?"*

See Answers Below

2003 Spring Classes

Ethics Orientation	Supervisors & Managers
April 16 (10:00 - 11:00 a.m.) Conference Center, Room 1	April 15 (10:00 -12:30 p.m.) Conference Center, Room C
Classes are in the State Conference Center or Training Center Indiana Government Center South, 402 W. Washington St., Indianapolis, IN To register, call (317) 232-3850 or visit our Web site at www.ethics.IN.gov	

1. 3,079
2. 11 (FSSA, Commerce, Adjutant General's Office, Attorney General's Office, State Police-River Boat Casinos, Alcohol & Tobacco Commission, Animal Board of Health, IDEM, Civil Rights Commission, Professional Standards, DOC-Pendleton)
3. Department of Commerce
4. Family and Social Services Administration
5. 2,136
6. 2,029* some circumstances preclude all employees from receiving the guide